

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 JOHN THOMAS FALVEY,

Case No.: 3:23-cv-00118-MMD-CSD

4 Plaintiff

Order

5 v.

6 BARACK HUSSEIN OBAMA, et al.,

7 Defendants

8 Plaintiff is an inmate within the Elko County Jail, who has filed a civil rights complaint.
9
10 (ECF No. 1-1.) The Local Rules of Practice for the District of Nevada provide: “Any person who
11 is unable to prepay the fees in a civil case may apply to the court for authority to proceed *in*
12 *forma pauperis* (IFP). The application must be made on the form provided by the court and must
13 include a financial affidavit disclosing the applicant’s income, assets, and liabilities.” LSR 1-1.
14 When a prisoner seeks to proceed without prepaying the filing fee, in addition to filing the
15 affidavit, the prisoner is required to submit a certified copy of the trust fund account statement
16 (or institutional equivalent) for the six-month period immediately preceding the filing of the
17 complaint. The statement must be obtained from the appropriate official at the prison or
18 detention facility where the prisoner is or was confined. 28 U.S.C. § 1915(a)(2).

19 When a prisoner brings a civil action IFP, the prisoner is still required to pay the full
20 amount of the filing fee. The court is required to assess, and when funds exist, collect an initial
21 partial payment of 20 percent of the greater of: (A) the average monthly deposits in the
22 prisoner’s account or (B) the average monthly balance in the prisoner’s account for the six-
23 month period immediately preceding the filing of the complaint. Thereafter, whenever the
 prisoner’s account exceeds \$10, the prisoner must make monthly payments of 20 percent of the

1 preceding month's income credited to the prisoners account until the filing fees are paid. The
2 funds are to be forwarded by the agency having custody of the prisoner. 28 U.S.C. § 1915(b)(1),
3 (2).

4 The regular filing fee is \$402, consisting of the \$350 filing fee and a \$52 administrative
5 fee. If an inmate does not qualify for IFP status, he must pay the full \$402 filing fee. If the
6 inmate qualifies for IFP status, the \$52 administrative fee is waived, and the inmate will only pay
7 the \$350 filing fee over time.

8 Plaintiff has not submitted the IFP application or the required financial certificate and
9 certified trust fund account statement.

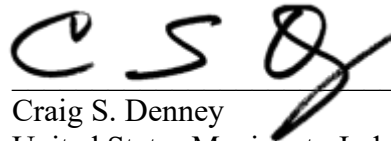
10 The Clerk shall **SEND** Plaintiff a copy of the instructions and application to proceed IFP
11 for an inmate. Plaintiff has **30 days** from the date of this Order to either file his completed IFP
12 application and financial certificate and account statement or pay the full \$402 filing fee.

13 Once Plaintiff has filed his completed IFP application, financial certificate, and account
14 statement or paid the filing fee, the court will screen the complaint pursuant to 28 U.S.C. §
15 1915(e)(2)(B) or 28 U.S.C. § 1915A, or both. Both require dismissal of a complaint, or any
16 portion thereof, that is frivolous or malicious, fails to state a claim upon which relief may be
17 granted, or seeks monetary relief against a defendant who is immune from such relief. If the
18 complaint is dismissed on screening, there will be no refund of the filing fee, and an inmate
19 proceeding IFP is still required to pay the \$350 filing fee over time.

1 If Plaintiff fails to timely file a completed IFP application and financial certificate or pay
2 the filing fee, this court will recommend dismissal of this action without prejudice.

3 **IT IS SO ORDERED.**

4 Dated: March 30, 2023

5 
6 Craig S. Denney
United States Magistrate Judge